IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 3884 of 2006(A)

CRA.348/2004 of ADDL.SESSIONS COURT, NORTH PARAVUR
CC.1081/2001 of JUDL.MAGISTRATE OF FIRST CLASS-I, ALUVA

REVN. PETITIONER: APPELLANT: ACCUSED:

P.S.BASHEER, S/O.SAITHALI,
PERUMBILLY HOUSE, EDAYAPURAM,
ALUVA P.O., ALUVA EAST VILLAGE,
ALUVA TALUK.

BY ADVS. M/S.BABU CHERUKARA AND P.A.NIZAR

RESPONDENTS: RESPONDENTS:COMPLAINANT
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1. M.GOPI, MULLASSERY VEEDU,
CHOWARA P.O., ALUVA.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI.KAMMAPPU
R1 BY ADV.SRI.R.RAGHUKUMAR (ALUVA)

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

Crl.R.P.NO. 3884 OF 2006

Dated this the 7th day of December,2006

O R D E R

The petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for one month and was directed to pay a sum of Rs.20,000/- as compensation and in default of payment of compensation, to undergo simple imprisonment for 45 days. On appeal by the accused, the Appellate Court confirmed the conviction and sentence and dismissed the appeal.

2. Crl.M.A. No.12417 of 2006, signed by the complainant and the accused and their counsel, filed under Section 147 of the Negotiable Instruments Act was allowed.

In the result, the Criminal Revision Petition

is allowed, the conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

(K.T.SANKARAN)
Judge

ahz/

K.T. SANKARAN, J.

Crl.M.A.NO. 12417 OF 2006

Dated this the 7th day of December,2006

O R D E R

This is an application under Section 147 of the Negotiable Instruments Act, seeking to compound the offence under Section 138 of the Act. The application is signed by the revision petitioner/accused and the first respondent/ complainant. It is stated that the matter is settled between the parties. Leave is sought for to compound the offence. Leave is granted. The application is allowed.

(K.T.SANKARAN)
Judge

ahz/